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15 **IN THE UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO**

17
18 KATHLEEN IMMEDIATO, individually and
19 as real party in interest to the ESTATE OF
20 RALPH IMMEDIATO

21 Plaintiff,

22 vs.

23 UNITED STATES OF AMERICA

24 Defendant.
25
26
27
28

CASE NO. CV 07-03008 MMC

**STIPULATION AND JOINT MOTION
TO EXTEND DEADLINES; [PROPOSED]
ORDER**

1 In accordance with Local Rule 6-2, Plaintiff Kathleen Immediato ("Plaintiff") and Defendant
 2 the United States of America ("Defendant") hereby stipulate and jointly move this Court for a brief
 3 extension of the fact discovery deadline and corresponding extensions to the other deadlines in this
 4 case. The parties also request a slight change in the trial date of this case.

5 Specifically, the Parties move to extend the following Deadlines:

<u>Event</u>	<u>Date Presently Set</u>	<u>Requested Extension</u>
6 Completion of fact discovery	April 1, 2008	May 1, 2008
7 Plaintiff's Expert Disclosure	May 2, 2008	June 2, 2008
8 Defendant's Expert Disclosure	May 23, 2008	June 23, 2008
9 Expert Discovery Cut-off	June 30, 2008	July 30, 2008
10 Pre -Trial Status Conference	October 21, 2008	December 23, 2008
11 Trial	November 3, 2008	January 5, 2009

12 As grounds for this motion the Parties state the following:

13 1. This is a claim for Professional Negligence, Wrongful Death, Survival and Elder Abuse
 14 related to Decedent Ralph Immediato's care at the Martinez Outpatient Clinic and Center for
 15 Rehabilitation and Extended Care ("CREC").

16 2. Discovery is actively underway. Plaintiff and Defendant have propounded and responded to
 17 written discovery. Defendant completed the deposition of Plaintiff on February 28, 2008. The
 18 Parties have additional depositions scheduled for March 19, March 20, and March 21, 2008.

19 3. The Parties have a mediation scheduled for March 31, 2008.

20 4. On March 2, 2008, Plaintiff's counsel requested dates for the depositions of three of
 21 Decedent's treating doctors at the CREC: Dr. Ingrid Kwee, Dr. Gerhard Heinrich and Dr. Rita
 22 Hargrave.

23 5. On March 4, 2008, Defendant's counsel informed Plaintiff's counsel that she was
 24 unavailable for any additional depositions until April 2008 due to various previously scheduled
 25 appearances.

26 6. Defendant's counsel has also informed Plaintiff's counsel that she has a conflict with the
 27 present trial date, due to a trial scheduled in a separate case.
 28

1 7. The Parties have met and conferred and the next date that both Parties are available for trial
2 is January 5, 2009.

3 8. This is the first request for an extension to the trial date and discovery deadlines in this case.

4 9. Since both Parties stipulate to and join this motion, no party is prejudiced by extensions to
5 the discovery cut off.

6 Accordingly, the Parties respectfully request that the Court grant the Parties Stipulation and
7 Joint Motion to Extend Deadlines.

8
9 Dated: March 7, 2008

ADAMS | NYE | TRAPANI | BECHT LLP

10 /s/
11 By: _____
12 MICHAEL SACHS
13 Attorneys for Plaintiff
14 KATHLEEN IMMEDIATO

15 Dated: March 7, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

17 /s/
18 By: _____
19 ELLEN M. FITZGERALD
20 Assistant United States Attorney
21 Attorneys for Defendant

22 **ORDER**

23 PURSUANT TO STIPULATION, IT IS SO ORDERED.
24

25 Dated: March _____, 2008

26 _____
27 **THE HONORABLE Maxine M. Chesney**
28 United States District Judge